

LAFCO *of Monterey County*

LOCAL AGENCY FORMATION COMMISSION
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KATE McKENNA, AICP
Executive Officer

DRAFT MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

An audio/video recording of this meeting is available at the LAFCO office. Please contact us at (831) 754-5838 to arrange a time to listen or to order a copy.

Regular Meeting

Monday, December 7, 2009, 4:00 p.m.

**Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal, First Floor
Salinas, California**

The meeting of the Local Agency Formation Commission (LAFCO) of Monterey County was called to order by Chair Salinas at 4:07 p.m. in the Monterey County Board of Supervisors Chambers. Following his request for a moment of silence to remember the 68th anniversary of the attack on Pearl Harbor, Commissioner DiMaggio led the Pledge of Allegiance.

ROLL CALL

Members Present

Commissioner Salinas, Chair (*County Member*)
Commissioner Perkins, Vice-Chair (*Special District Member*)
Commissioner Calcagno (*County Member*)
Commissioner Champion (*Special District Member*)
Commissioner DiMaggio (*Public Member*)
Commissioner Donohue (*City Member*)
Commissioner Gourley, Alternate (*City Member*)
Commissioner Moore, Alternate (*Special District Member*)
Commissioner Rubio (*City Member*)

Members Not Present, Presence Not Required

Commissioner Armenta, Alternate (*County Member*)
Commissioner Darington, Alternate (*Public Member*)

Staff Present

Kate McKenna, AICP, Executive Officer
Thom McCue, AICP, Senior Analyst
Leslie Girard, LAFCO General Counsel
Rachelle Jones, LAFCO Clerk

Item 3: Closed Session

Under Government Code Section 54950 et.seq.:

a. Pursuant to Government Code Section 54956.9(a) – Existing Litigation

The Commission Conferred with Special Legal Counsel Regarding the Following Item:

**Franklin J. Lunding, Planning 2020, Inc., and Protect Carmel Valley
(Petitioners) vs. Local Agency Formation Commission of Monterey County
and Carmel Valley Forum (Respondents) Superior Court Case Number
M96638**

The meeting was called into closed session by General Counsel Girard.

Chair Salinas reconvened meeting from closed session. General Counsel Girard reported no reportable action.

Item 4: Minutes

4.a Consider and Approve Draft Minutes of September 28, 2009 Regular LAFCO Meeting.

4.b Accept Draft Meeting Notes of November 20, 2009 LAFCO Budget and Finance Committee Meeting.

There were no public comments for these items.

Commission Action

Upon Motion of Commissioner Calcagno, seconded by Commissioner Perkins, Minutes of the December 7, 2009 and Meeting Notes of the November 20, 2009 LAFCO Budget and Finance Committee, were unanimously adopted or accepted.

Item 5: Public Comment:

None

Item 6: Commissioner Comment:

None

Item 7: (a - k): Consent Agenda:

Commissioner Calcagno pulled item 7.k - Authorize Comments on the Recirculated Public Review Draft Initial Study/Mitigated Negative Declaration for the Don Chapin Batch Plant Conditional Use Permit/Industrial Annexation (City of Greenfield), for further discussion and action.

There was no public or Commission comment for other consent items.

Commission Action on Items not Pulled from Consent

- a. Upon Motion of Commissioner Perkins, seconded by Commissioner Calcagno, Consent Agenda Items (a-j): Draft Financial Statements for the Period Ended October 31, 2009, Registers of Checks Paid in September and October 2009, Legislative Activities Report, List of Anticipated Future Agenda Items, 2010 LAFCO Regular Meeting Schedule, Receive Progress Report on LAFCO's Comprehensive Program for Municipal Service Reviews and Sphere of Influence Updates, Determinations of the Authorized Powers of County Service Areas in Monterey County, Extension of Time to Complete a Condition of Approval for the "Carmel Area Wastewater District - Carmel Highlands Annexation (2008)" (*LAFCO File No. 08-07*), Replacement of LAFCO Office Telephone System - Authorize the Transfer of \$2,185 in Cash Assets to Property and Equipment Assets in FY 2009-10, Authorize the Executive Officer to Execute an Agreement with Telco Automation, Inc. in an Amount not to Exceed \$2,185 for Purchase of a Replacement Office Telephone System, and Execution of a Certificate of Termination for the Carmel Valley Incorporation Proposal (*LAFCO File No. 03-10*), were unanimously accepted, adopted, or approved.

Item 7.k:

Authorize Comments on the Recirculated Public Review Draft Initial Study/Mitigated Negative Declaration for the Don Chapin Batch Plant Conditional Use Permit/Industrial Annexation (City of Greenfield)

Commissioner Donohue recused himself from this item.

There was no public comment for this item.

Commission Comment and Action

Commissioners discussed comments on the Recirculated Public Review Draft Initial Study/Mitigated Negative Declaration for the Don Chapin Batch Plant Conditional Use Permit/Industrial Annexation (City of Greenfield) with Executive Officer McKenna and General Counsel Girard. Changes were suggested to include language, in the letter, concerning a buffer along Second St.

Upon Motion of Commissioner Rubio, seconded by Commissioner Calcagno, Executive Officer McKenna was authorized to incorporate changes suggested by Commissioners Calcagno and DiMaggio into the comment letter on the Recirculated Public Review Draft Initial Study/Mitigated Negative Declaration for the Don Chapin Batch Plant Conditional Use Permit/Industrial Annexation (City of Greenfield).

Item 8: New Business

8.a Consider Draft Year-End Financial Statements for Fiscal Year 2008-09.

Executive Officer McKenna provided introduction and asked Mike Briley of Hayashi & Wayland to provide a report on the year-end financial statements for fiscal year 2008-09, and congratulated him on his promotion to managing partner. Mr. Briley provided a brief report on the Draft Year-End Financial Statements for Fiscal Year 2008-09.

There was no public comment for this item.

Commission Action

Upon Motion of Commissioner Rubio, seconded by Commissioner Perkins, Year-End Financial Statements for Fiscal Year 2008-09, were unanimously accepted.

8.b Consider Draft Year-End Audit for Fiscal Year 2008-09.

Executive Officer McKenna provided introduction and asked Karen Campbell of Bianchi, Kasavan, & Pope to provide a report on the year-end audit for fiscal year 2008-09. Ms. Campbell provided a brief report on the Year-End Audit for Fiscal Year 2008-09.

There was no public comment for this item.

Commission Comment and Action

Upon Motion of Commissioner Rubio, seconded by Commissioner Perkins, the Year-End Audit for Fiscal Year 2008-09, was unanimously accepted.

8.c Consider a Draft Policy on Annual Contributions to the Commission's Net Operating Expenses.

Executive Officer McKenna provided a report and requested General Counsel Girard to provide an overview of the policy. General Counsel Girard provided a brief overview of the policy and resolution.

There was no public comment for this item.

Commission Action

Budget and Finance Committee Chair Rubio and Chair Salinas said that they support the policy as it allows for relief for the cities and districts during financially difficult periods.

Upon Motion of Commissioner Rubio, seconded by Commissioner Calcagno, Policy on Annual Contributions to the Commission's Net Operating Expenses, was unanimously adopted.

8.c Receive Report on 2010 CALAFCO Annual Conference.

Executive Officer McKenna provided informational report on the 2010 CALAFCO Annual Conference. Chair Salinas explained that he withdrew his nomination for continuing his seat on the CALAFCO Board due to scheduling conflicts this next year with his duties as Chair for the Board of Supervisors; however, he will be offering support with the governing issue of CALAFCO. He also requested that Executive Officer McKenna ask CALAFCO to provide more time for questions and answers during the workshop sessions. General Counsel Girard provided comment on the sessions that he attended, as well.

There was no public comment for this item.

Item 9: Executive Officer's Report

Executive Officer McKenna provided an oral report on several items. After consulting with Chair Salinas, she has accepted an invitation to volunteer as a Staff Officer of CALAFCO. Among her duties will be taking the lead on the CALAFCO University program for staff and Commissioners. CALAFCO will pay a stipend to Monterey LAFCO in support of the Executive Officer's expenses. The Executive Officer also reported on a public hearing notice received from the City of Salinas Ag-Industrial "Uni-Kool" project and on a recent LAFCO-City of Greenfield meeting about a proposed "Greenfield South Annexation." In addition, she reported on the Notice of Preparation of a Draft Environmental Impact Report for the City of Gonzales 2010 General Plan for the City of Gonzales, and a preliminary draft Regional Blueprint Plan by the Association of Monterey Bay Area Governments.

Commission Comment and Direction

Chair Salinas and Commissioner Rubio commented that the CALAFCO Deputy Executive Officer position provides for an opportunity for maintaining ties with CALAFCO and for professional development.

Commissioners discussed the comment letter on the Notice of Preparation of a Draft Environmental Impact Report for the City of Gonzales 2010 General Plan, provided administrative direction to request an extension of the comment period, so that the Commission may review the comments at the next regular meeting to be held on January 25, 2010.

In response to an inquiry from Commissioner Rubio, Executive Officer McKenna provided a summary of her preliminary comments regarding the Draft Blueprint plan. She also stated that AMBAG Executive Director John Doughty would be invited to present the plan to the Commission.

Item 10: Correspondence

Two items of correspondence were included in the agenda packet. One is a November 20, 2009 Letter from Hayashi & Wayland – Announcing Mike Briley as the new Managing Partner. The other is a November 30, 2009 Letter and Resolution from Salinas Rural Fire District – District Name Change to Monterey County Regional Fire Protection District. There were no additional items of correspondence to report.

Item 12: Adjournment

On motion of Chair Salinas, there being no objection, the meeting was unanimously adjourned at 4:59 p.m. to the next Regular LAFCO Meeting to be held on Monday, January 25, 2010 at 4:00 p.m. in the Board of Supervisors Chambers, 168 W. Alisal St., First Floor, Salinas, California.

Respectfully Submitted,

Rachelle Jones
LAFCO Clerk